S.B.CIVIL WRIT PETITION NO.211/2006

Moti Ram
v.
RSRTC, Jaipur & Ors.

DATE OF ORDER :: 25th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. G.R.Punia, for the petitioner.

....

The petitioner, a conductor in the employment of Rajasthan State Road Transport Corporation was placed under suspension by an order dated 24.10.2005 passed by Chief Manager, Rajasthan State Road Transport Corporation Depot, Phalodi. After placing the petitioner under suspension a charge sheet was also served upon him on 7.12.2005. By the instant petition for writ challenge is given by the petitioner to the order of suspension dated 24.10.2005 and the charge sheet dated 7.12.2005.

While giving challenge to the order of suspension it is contended by counsel for the petitioner that the suspension of the petitioner is absolutely unwarranted as the petitioner in any case is not in position to tamper with the evidence sought to be produced by the department to substantiate the allegation for which the petitioner is charged. Challenge to the initiation of disciplinary proceedings by charge sheet dated 7.12.2005 is given on the count that the amount equal to the alleged loss

caused has already been recovered by the respondents and as such no misconduct now survives.

The petitioner for writ is absolutely devoid of merit for the reason that the petitioner was placed under suspension contemplating disciplinary proceedings and the disciplinary proceedings have now been initiated by the respondents as soon as possible. The issue as to whether the petitioner is in position to tamper with the evidence available is required to be decided by the employer with its subjective satisfaction. There is no allegation of the petitioner that the order of suspension is in violation of any statute/standing order or is an out come of malafide. Similarly, merely recovery of the amount equal to the loss said to be caused to the corporation does not absolve the petitioner from the allegation of misconduct and, therefore, it cannot be a reason to quash the charge sheet.

The writ petition is dismissed being having no merit.

( GOVIND MATHUR ),J.

kkm/ps.